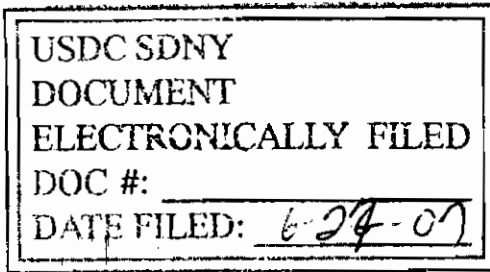


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June 26, 2007

VIA HAND DELIVERY

The Honorable Denise L. Cote
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1040
New York, New York 10007

MEMO ENDORSED

RE: *Office Depot, Inc. et al. v. Post*, No. 07 CV 2871 (DLC)

Dear Judge Cote:

We represent the Defendant and Counterclaim Plaintiff Roger Post and Counterclaim Plaintiff W.B. Mason Company, Inc. in the referenced action. We write on behalf of all parties in this action to request an adjournment of the Initial Pretrial Conference, which is currently scheduled for June 29, 2007.

The parties are currently engaged in settlement discussions and expect that this matter can be resolved in the near future without further use of the time and resources of this Court. In light of these circumstances, the parties propose that the Court withhold rescheduling the Conference until the parties determine that a settlement cannot be reached. The parties will provide the Court a written update on the status of their settlement negotiations by July 20, 2007, and if they are not able to resolve the matter by that date, will notify the Court of their availability to reschedule the Conference.

While this is the second request that has been made to reschedule this Conference, counsel anticipate that a settlement will be reached and that the Conference will not need to be rescheduled at all.

*Conference will be adjourned
to July 20 at 3³⁰ pm. There
shall be no further
adjournment.*
James Cote
June 27, 2007

The Honorable Denise L. Cote
June 26, 2007
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Thank you for your consideration of this request.

Respectfully submitted,


Matthew T. McLaughlin

cc: Deborah L. Thaxter, Esq. (via e-mail)
John Joiner, Esq. (via e-mail)
S. Robert Schrager, Esq. (via e-mail)
Luba Shur, Esq. (via e-mail)